IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

Bail Appl..No. 6231 of 2007()

CRLMC.2026/2007 of D.C & SESSIONS COURT,TRIVANDRUM
CRIME NO.278 OF 2007 OF THIRUVALLOM POLICE STATION

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: PETITIONERS ACCUSED 1 TO 4

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1. BABURAJ,S/O. VISWAMBHARAN,
   VENGARA P[ADINJARE PUTHEN VEEDU
   NEAR VENGARA DEVI TEMPLE,
   THIRUVALLAM VILLAGE.

2. SANTHOSH KUMAR @ ANIL
   S/O. SUKUMARAN, MONILAM CHEMMANNUVILA
   PUTHEN VEEDU, THIRUVALLAM DESOM,THIRUVALLA VILLAGE

3. DILEEP,S/O.CHANDRAN,
   PATTUKUNNU LAKSHAM VEEDU,
   VELLAR SAMUDRA BEACH ROAD,
   PACHALLOOR DESOM, THIRUVALLAM VILLAGE.

4. SHALU,S/O. BASI,
   KOLLAMTHARA KANAKKAPILLAI VEEDU
   PACHALLOOR DESOM, PACHALLOOR VILLAGE.

BY ADV. SRI.P.S.SREEDHARAN PILLAI
SMT.C.G.PREETHA

RESPONDENTS: COMPLAINAT STATE

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/10/2007, THE COURT ON 15/10/2007 PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6231 of 2007

Dated this the 15th day of October, 2007

ORDER

Application for regular bail. Petitioners are accused 1 to 4. Altogether there are 15 accused persons. The alleged incident took place on 4.09.07. The petitioners were arrested on 12.09.07. They continue in custody from that date. Investigation is not complete. None of the accused persons is named in the F.I.R.

2. The crux of the allegations is that some persons went to a local bar and there was an incident of altercation on some earlier date. The victims in this case who are said to be the workers of that bar were allegedly returning home on 4.9.07 after closing the bar. On account of prior animosity, after having made the necessary preparations, an unlawful assembly of about 15 persons including the petitioners herein armed with dangerous weapons like swords, sticks etc. allegedly mounted an attack on the victims. 5 persons were injured. Some of the victims had suffered fractures. 5 fractures have been suffered by one of the victims.

3. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. The local R.S.S people are against the running of the bar. There are certain disputes on that aspect. Merely because of that the petitioners have been falsely dragged into

the controversy. The petitioners are not named in the F.I.R. In any view of the matter, the petitioners do not deserve to continue in custody now, they having remained in custody from 12.09.07.

4. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that an explosive law and order situation prevails in the locality. Allegations are serious. The injuries suffered are all grievous. The recurrence of such instances is apprehended by the police, it is submitted. In these circumstances, the petitioners may not be enlarged on bail, submits the learned Public Prosecutor .

5. Having considered all the relevant inputs, I am satisfied, notwithstanding the opposition by the learned Public Prosecutor , that the petitioners who have been remaining in custody from 12.09.07 can be granted bail subject to appropriate conditions. Appropriate conditions can be imposed to allay the apprehensions aired by the learned Public Prosecutor and in the interests of a fair, efficient and expeditious investigation.

6. In the result, this application is allowed. The petitioners shall be released on bail on the following terms and conditions.

i) The petitioners shall not be released on the strength of this order prior to 27.10.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

ii) The petitioners shall execute bonds for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of 3 months from the date of their release and thereafter as and when directed by the Investigating Officer in writing to do so;

iv) During the said period of 3 months, the petitioners shall not enter the Sessions Division of Trivandrum except for the purpose of complying with condition No.(iii) above.

(R.BASANT, JUDGE)

rtr/-